

CARELLA, BYRNE, CECCHI, OLSTEIN, BRODY & AGNELLO, P.C.
COUNSELLORS AT LAW

JAN ALAN BRODY
JOHN M. AGNELLO
CHARLES M. CARELLA
JAMES E. CECCHI

CHARLES C. CARELLA
1933 – 2023

DONALD F. MICELI
CARL R. WOODWARD, III
MELISSA E. FLAX
DAVID G. GILFILLAN
G. GLENNON TROUBLEFIELD
BRIAN H. FENLON
CAROLINE F. BARTLETT
ZACHARY S. BOWER+
DONALD A. ECKLUND
CHRISTOPHER H. WESTRICK*
STEPHEN R. DANEK
MICHAEL A. INNES
MEGAN A. NATALE
KEVIN G. COOPER

**5 BECKER FARM ROAD
ROSELAND, N.J. 07068-1739
PHONE (973) 994-1700
FAX (973) 994-1744
www.carellabyrne.com**

PETER G. STEWART
FRANCIS C. HAND
JAMES A. O'BRIEN, III
JOHN G. ESMERADO
STEVEN G. TYSON
MATTHEW J. CERES
ZACHARY A. JACOBS***
JASON H. ALPERSTEIN

RAYMOND J. LILLIE
GREGORY G. MAROTTA
MARYSSA P. GEIST
JORDAN M. STEELE
BRITTNEY M. MASTRANGELO
GRANT Y. LEE***
MAYBOL HALL
WILLIAM J. MANORY

OF COUNSEL

*CERTIFIED BY THE SUPREME COURT OF
NEW JERSEY AS A CIVIL TRIAL ATTORNEY
***MEMBER IL BAR ONLY
+MEMBER FL BAR ONLY

July 28, 2025

By ECF

Hon. Leda Dunn Wettre, U.S.M.J.
Martin Luther King Bldg.
& U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102

**Re: *In re: Apple Inc. Smartphone Antitrust Litigation,*
Civil Action No. 2:24-md-03113**

Dear Judge Wettre:

We write on behalf of Co-Lead Interim Class Counsel representing the direct purchasers of iPhones (“DP Plaintiffs”), direct purchasers of Apple Watches (“AW Plaintiffs”) and the indirect purchasers of iPhones (“IP Plaintiffs”) in this litigation (collectively, “Private Plaintiffs”). We write to update the Court on the status of our ongoing efforts to further this litigation and – with full recognition that we are in the heart of the summer – to request a Case Management Conference with the Court at Your Honor’s earliest convenience.

Regarding our progress, Private Plaintiffs are actively negotiating a Discovery Confidentiality Order and ESI Protocol with Apple. While those conversations are ongoing, Private Plaintiffs anticipate that there will be disagreements amongst the parties that will have to be adjudicated by Your Honor. We anticipate bringing those disagreements to the Court shortly.

As Your Honor is aware, on June 30, 2025, Judge Neals denied in its entirety Apple’s motion to dismiss the parallel DOJ action. Given that all parties and the Court agree that close and effective coordination between the DOJ and Private Plaintiffs is essential to ensure efficiency, minimize the duplication of discovery, and expedite all proceedings, Private Plaintiffs’ position is that discovery in our cases should start immediately. *See United States v. Apple Inc.*, Civ. No. 2:24-cv-04055-JXN-LDW, ECF No. 270 ¶ 27 (D.N.J. June 5, 2025) (“The parties are to endeavor to avoid duplicative discovery between this case and the *In re: Apple Inc. Smartphone Antitrust Litigation*, 24-md-3113 (JXN) (LDW) multidistrict litigation to the extent feasible without delaying the progress of this case.”). This is particularly true given that core factual allegations

July 28, 2025

Page 2 of 2

in our actions mirror the DOJ's and that Apple has taken the position that Private Plaintiffs must follow the third-party discovery rules from the DOJ action. *See id.* ¶ 17 ("If a party serves a subpoena on a third party calling for the production of documents, all other parties must serve a document subpoena, if any, on the same third party within 21 days.").

To facilitate the required coordination, Private Plaintiffs have sought to reach agreement with Apple on a schedule for initial discovery in this matter. As in the case with the ESI Protocol and the Discovery Confidentiality Order, we are talking with Apple about this but do not anticipate reaching common ground. This, too, is a critical topic that we believe Your Honor's input will help resolve.

We appreciate the Court's time and attention to this important matter and we thank Your Honor for considering our request. Please let us know if the Court requires any additional information.

Respectfully submitted,

CARELLA, BYRNE, CECCHI,
OLSTEIN, BRODY & AGNELLO, P.C.

/s/ James E. Cecchi

JAMES E. CECCHI

cc: Counsel of Record (via ECF)